

EXHIBIT A

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SCS

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF BENTON

Matthew Allen Sterba, and Keely
Sterba, and their marital community,

Plaintiffs,

vs.

Battelle Memorial Institute, dba
Pacific Northwest National
Laboratory,

Defendant.

Case No.: 22-2-01969-03

COMPLAINT

1. Plaintiff Matthew Allen Sterba is an adult, married, man residing in Benton County,
2 Washington. He is married to Plaintiff Keely Sterba, also residing in Benton County,
3 Washington.

2. Defendant Battelle Memorial Institute (BMI) is a nonprofit corporation doing business
in Benton County, Washington, and does business as Pacific Northwest National

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1 Laboratory.

2 3. Plaintiff Matthew Sterba has been employed by Defendant since 2005. His last
3 position held was as Information Technology Engineer.

4 4. In March of 2020, Plaintiff Matthew Sterba, as a result of COVID-19 safety protocols,
5 from the beginning of the COVID-19 pandemic, was directed and/or allowed by
6 Defendant to work remotely, away from the Defendant's campus.

7 5. Plaintiff was able to perform all of the essential functions of his employment by
8 working remotely.

9 6. In September of 2021, Defendant mandated that Plaintiff Matthew Sterba submit to
10 vaccination for COVID-19 as a condition of his employment with Defendant. Defendant
11 provided a procedure to request exemption in case of religious beliefs that conflicted with
12 the vaccine requirement, and to request accommodation in the event Defendant recognize
13 an exemption.

14 7. Plaintiff Matthew Sterba, on or about September 30th, 2021, submitted a request for
15 exemption from the COVID-19 based on his religious beliefs, and provided sufficient
16 information, both in writing and orally to support a bona fide request under Washington
17 State Constitution, Art. I, §11.

18 8. On or about November 10th, 2021, Defendant denied Plaintiff Matthew Sterba's
19 request for an exemption on the basis that Plaintiff Matthew Sterba had not provided an
20 adequate basis to support a religious belief as a reason to exempt Plaintiff Matthew

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1 Sterba from the vaccine requirement. Defendant did not reach the issue of whether an
2 exemption from the vaccine could be accommodated by allowing Plaintiff to continue
3 working remotely. An internal appeal process was provided and following that process,
4 the Defendant, on or about November 16th, 2021 upheld the decision to not permit an
5 exemption to the vaccine requirement to Plaintiff Matthew Sterba and gave him 72 hours
6 to resign, become vaccinated or be placed on unpaid leave.
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8 9. Had Defendant recognized an exemption from the vaccine requirement for Plaintiff
9 Matthew Sterba, Defendant would have been able to readily accommodate said
10 exemption by continuing to permit Plaintiff to work remotely as he had for the entirety of
11 the pandemic up to that time. No undue hardship for Defendant existed to allow Plaintiff
12 Matthew Sterba to have continued to work remotely.

13 10. On or about November 19th, 2021, Defendant placed Plaintiff Matthew Sterba on
14 “unpaid leave” because of his refusal to violate his religious beliefs by submitting to a
15 vaccine and because of his refusal to resign and Plaintiff Matthew Sterba has remained in
16 that status to the present time.

17 11. Defendant’s actions violate Plaintiff’s rights under Washington State Constitution,
18 Art. I, §11, as protected by RCW 49.60.180 (2), (3), the Washington Law against
19 discrimination, by placing him on unpaid leave and discriminating against him based on
20 his religious beliefs. Defendant discriminated against Plaintiff Matthew Sterba by not
21 recognizing his religious beliefs and by refusing to then even consider accommodating
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1 his religious beliefs in the terms of his employments, such as by allowing him to work
2 remotely.
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4 12. The fact that Plaintiff Matthew Sterba was already in a status of working from home
5 remotely prior to the imposition of a vaccine requirement yet Defendant refused to allow
6 the status quo as an accommodation is evidence of reckless indifference or intentional
7 violation by Defendant of Plaintiff Matthew Sterba's right to be free from discrimination
8 or disparate impact based on his religious beliefs.

9 13. Plaintiff Matthew Sterba and his wife, Plaintiff Keely Sterba and their marital
10 community have been directly caused damages by the actions of Defendant set forth
11 herein in the form of lost income and employment benefits such as, but not limited to,
12 health insurance benefits.

13 14. Plaintiff Matthew Sterba has been caused emotional distress by the actions of
14 Defendant alleged herein.

15 Wherefore, Plaintiff prays for the following relief:

16 1. Judgment against Defendant for his lost income and benefits in favor of both Plaintiffs
17 and their marital community.

18 2. Judgment against Defendant for emotional distress, mental anguish, loss of enjoyment
19 of life and other general damages in favor of Plaintiff Matthew Sterba.

20 3. For his costs and his attorney fees pursuant to 49.60.030, RCW 49.48.030 and RCW
21 Chap. 4.84.

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5 4. For such other relief as allowed by law and equity.
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Dated this 21st day of November, 2022

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Attorney for Plaintiff WSBA 13808

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